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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,431	01/22/2007	James Francis McIntire	30072-US1	4121
27788	7590	12/06/2007		
Tyco Electronics Corporation 309 Constitution Drive Mail Stop R34/2A Menlo Park, CA 94025			EXAMINER GIRARDI, VANESSA MARY	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 12/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,431	<b>Applicant(s)</b> MCINTIRE ET AL.	
	<b>Examiner</b> Vanessa Girardi	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on April 3, 2006 (Initial Application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 10-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>April 3, 2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "electrical contacts" must be shown or the feature(s) from claims 1 and 10. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in response to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Barber et al. (US 5,800,188).

With respect to claims 1-3; Barber et al. [FIG. 1] discloses a cap facility for an elongated terminal body **10** with a free end defining a rimmed chamber **12** containing electrical contacts **30, 32, 34**, the facility comprising: a frame **13** operable for connection to the terminal [COL. 1, LINES 40-43]; an arm **119** pivotally connected to the frame **13** at a pivot axis **120**; the

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arm **119** having a cap **18** adapted to enclose the rimmed chamber when the arm is in the closed position [COL. 4, LINES 4-9]; the arm being biased to the closed position [COL. 3, LINES 48-52];

the terminal body defines a terminal axis, and the pivot axis intersects the terminal axis [FIG. 2];

the arm includes an actuator **22** extending generally away from the cap **18** at an obtuse angle [FIG. 7].

Regarding the preamble of "a medical cable" in claim 1, the recitation has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure wherein the portion of the claim following the preamble, the terminal body and cap, is a self-contained description not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 978 (CCPA 1951).

With respect to claims 8 and 9; Barber et al. discloses the pivotal connection of the arm **119** to the frame **13** includes free play **124** enabling the arm to move a limited amount in a direction perpendicular to the pivot axis [COL. 3, LINES 42-45];

wherein the arm **119** is biased to the frame **13** in a direction perpendicular to the pivot axis, such that arm motion in a direction perpendicular to the pivot axis is limited except in response to an application of force [COL. 4, LINES 1-6].

### ***Allowable Subject Matter***

3. Claim 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim, any intervening claims and objections discussed above.

4. Claims 10-17 would be allowable if rewritten or amended to overcome the objections discussed above.

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*The following is a statement of reasons for the indication of allowable subject matter:*

With respect to claim 4; allowability resides, at least in part, with the prior art not showing or teaching a cap facility having a terminal body and a pivoting cap on an arm including an unsealing mechanism operable in response to initial motion of the arm from the closed position to move the cap away from the rim on a path that deviates from an arc defined by the pivot axis in conjunction with **ALL** the remaining limitations within claims 1 and 4.

With respect to claim 10; allowability resides, at least in part, with the prior art not showing or teaching a self-sealing medical cable assembly having an arm and a cap connected to a frame; the cap having an initial motion path deviating from the arcuate path, such that the cap moves away from the rim initially upon departing from the closed position in conjunction with **ALL** the remaining limitations within claim 10.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa Girardi: Telephone number (571) 272-5924.

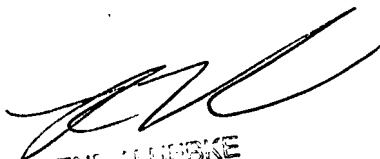
Monday – Thursday 7 a.m. to 5:30 p.m. (EST)

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VG  
Art Unit 2833  
November 26, 2007

  
RENEE LUEBKE  
PRIMARY EXAMINER